

# **Government of the District of Columbia**

## **ZONING COMMISSION**



### **ZONING COMMISSION ORDER NO. 689-D**

**Case No. 90-3C**

**(PUD & Map Amendment – Conference Center)**

**September 13, 1999**

By Z.C. Order No. 689, dated March 11, 1991, the Zoning Commission for the District of Columbia approved the application of the Conference Center Associates Limited Partnership and the District of Columbia Office of Business and Economic Development (OBED). The application, as amended, requests consolidated review and approval of a planned unit development (PUD), and a related map amendment from unzoned property to C-2-A for Parcel 121/31 located at the northwest corner of the intersection of Michigan Avenue and Irving Street, N.E. The site consists of approximately 5.48 acres of land and is improved with a parking lot.

Z.C. Order No. 689 provided for the construction of a conference/training center with guest rooms. The center would primarily serve the needs of the surrounding institutional community. The facility, as approved, would not exceed 65 feet in height, would have a floor area ratio (FAR) of 1.42, a lot occupancy of 45 percent, and would provide a total of 237 parking spaces.

Z.C. Order No. 689 became final and effective on March 29, 1991, requiring the applicant, pursuant to 11 DCMR 2408.8 and 2408.9, to file an application for a building permit by March 29, 1993 and to begin construction by March 29, 1994.

By Z.C. Order Nos. 689-A, 689-B and 689-C, dated July 12, 1993, October 23, 1995 and December 8, 1997, respectively, the validity of the PUD was extended each time for two years. Order No. 689-A extended the validity of the PUD, requiring the applicant to file for a building permit by March 29, 1995, and requiring construction to begin by March 29, 1996. Z.C. Order No. 689-B extended the validity of the PUD, requiring the applicant to file for a building permit by March 29, 1997 and requiring construction to begin by March 29, 1998. Z.C. Order No. 689-C extended the validity of the PUD requiring the applicant to file for a building permit by March 29, 1999 and requiring construction to begin by March 29, 2000.

Pursuant to DCMR 2408.10 and 2408.11, the Zoning Commission has the authority to extend the validity of a PUD for good cause shown upon proper request of the applicant before the expiration of the PUD approval.

By letter dated March 26, 1999, counsel for the applicant requested a two-year extension of Z.C. Order Nos. 689, 689-A, 689-B and 689-C. The letter indicated that, although the real estate market in the area has come back, it remains difficult for the applicant to secure financing for a

**Z.C. ORDER NO. 689-D**

**CASE NO. 90-3C**

**PAGE NO. 2**

project in this section of the District of Columbia. The unavailability of financing makes it impossible for the applicant to proceed at the present time, although the applicant believes that financing will be in place in order for construction to begin in the spring of 2000. The letter stated that the applicant is actively discussing the financing of the project with potential investors and will proceed with the project as soon as financing can be secured. It also added that one of the investors, by letter dated March 2, 1999, indicated that during the balance of the year 1999, it would be able to finalize the development and financing packages of the project.

The applicant certified that copies of the extension request were served on Advisory Neighborhood Commission (ANC) 4D and the Single-Member District Commissioners of ANCs 4D-11, 4D-13, and 5C-04.

The Office of Zoning (OZ), by memorandum dated March 29, 1999, referred the time extension request to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan, have taken place since the Zoning Commission initially decided this case that would affect this extension request.

By memorandum dated April 30, 1999, OP noted that neither the Zoning Regulations and Map nor the Comprehensive Plan had changed since the Commission approved the subject PUD.

Neither ANC-4D nor Single-Member District Commissioners for ANCs 4D-11, 4D-13, and 5C-04 commented on the request to extend the validity of the PUD.

On June 14, 1999, at its regular monthly meeting, the Commission considered the request for extension and the OP report relative to the case. The Commission noted that the request did not meet its standards for an extension and that the PUD had been extended several times based on an inability to secure financing.

The Commission also noted that the PUD may not be a viable project since no one is putting enough resources into it. The Commission expressed concern over the number of times the validity of the PUD has been extended.

However, the Commission considered a letter dated March 25, 1999, from Mariani Architects Engineers indicating that it would finalize development and financing packages for the PUD by the end of this year. Accordingly, the Commission extended the validity of the PUD for six months, that is, until December 31, 1999.

Although, the Commission concurred with the applicant and OP that neither the Zoning Regulations nor the Comprehensive Plan has changed since the Commission approved the PUD, the Commission believes that a six-month extension of the validity of the PUD will be appropriate to allow Mariani Architects Engineers time to finalize its negotiations for financing of the project.

The Commission further believes that an extension of time as requested by the applicant is unreasonable, given the number of times the PUD has been extended for the same reasons.

**Z.C. ORDER NO. 689-D**

**CASE NO. 90-3C**

**PAGE NO. 3**


The Commission believes that an extension of the PUD for six months is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Map, and is not inconsistent with the Comprehensive Plan for the National Capital.

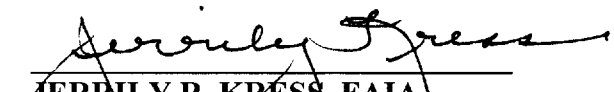
In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a six-month extension of the validity of Z.C. Order Nos. 689, 689-A, 689-B and 689-C; that is until December 31, 1999, within which time the applicant must file for a building permit. Pursuant to 11 DCMR and 2408.9, construction must begin on or before December 31, 2000.

Vote of the Commission taken at the monthly meeting on June 14, 1999: 4-0 (John G. Parsons, Anthony J. Hood, Herbert M. Franklin, and Angel F. Clarens, to approve).

This order was adopted by the Zoning Commission at its public meeting on September 13, 1999, by a vote of 4-0: (Anthony J. Hood, John G. Parsons, Herbert M. Franklin, and Angel F. Clarens, to adopt).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is, on OCT 8 1999.

  
ANGEL F. CLARENS  
Chairperson  
Zoning Commission

  
JERRILY R. KRESS, FAIA  
Director  
Office of Zoning

**zco689-D/VCE/LJP**